THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6755 OF 2000

DATED : 26th September, 2005.

Between:

Kimji Poonja Ginning & Pressing Co. (P) Ltd.,
Rep. by its Partner Sri Leeladhar Motilal, S/o. Motilal,
Aged about 53 years, R/o.17/713, Alur Road,
Adoni, Kurnool District. … Petitioner

And

1. Govt. of A.P., rep. by its Secretary,
Food & Agriculture (Marketing) Department,
Secretariat, Hyderabad, and others. … Respondents

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ORDER :

This writ petition is filed seeking a Writ of Mandamus directing the respondents 3 & 4 Market Committees not to demand, levy or compel to pay market fee under Section 12 of the Andhra Pradesh (Agricultural Produce Livestock) Markets Act, 1966 on the Cotton seeds being purchased, sold and transported out of their notified areas by the petitioner or his agents or purchasers on proof that kapas where from those seeds are obtained already suffered levy of market fee thereby declaring such demand or levy is arbitrary and illegal, and also direct the respondents 1 and 2 to issue instructions to the respondents 3 & 4 Market Committees not to levy or demand market fee on such cotton seeds.

When the matter is taken up for consideration, it is represented by the learned Standing Counsel for Agricultural Market Committee that the issue involved in this writ petition is squarely covered by a decision of the Division Bench in NARAYANA RAO & SONS v. GOVT. OF A.P. wherein it was held that the market fee is payable on cotton seed which is item No.38 in Schedule II to the Andhra Pradesh Agricultural (Produce and Livestock) Markets Act, 1966.

The learned Counsel for the writ petitioner does not dispute the same.

In the light of the ratio laid down in the abovesaid decision, the relief as prayed for in the writ petition cannot be granted.

Accordingly, following the Judgment of the Division Bench, the Writ Petition is dismissed. However, the learned Standing Counsel for the Agricultural Market Committee states that in view of the interim directions granted by this Court pending the writ petition the Market Committees could not collect the market fee payable by the petitioner and therefore they may be permitted to take necessary steps for collection of the same. Needless to mention that the respondents are at liberty to take appropriate steps in accordance with law for recovery of the amounts, if any, due from the petitioner.

The Writ Petition is accordingly dismissed. No costs.

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26th September, 2005.

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